

Remarks

Applicants' Attorney wishes to thank Examiner Fortuna for the courtesies exchanged during the personal interview of February 8, 2006.

In the Final Office Action, independent claims 25, 37, and 46 were rejected in view of U.S. Pat. No. 4,929,498 to Suskind, et al. under 35 U.S.C. § 102 or in the alternative § 103. According to Suskind, et al., nonwoven fabrics, such as airlaid, wetlaid, and hydroentangled, are envisioned whereby a portion (for example, from about 10-50%) of the normal pulp charge is replaced by the antibacterially-modified pulp. (Col 2, lines 16-20). Specifically, from 10% through 50%, preferably from 15% through 25%, of the fibers used to make the web will be those that have been pre-treated with the antimicrobial. (Col 3, lines 36-38). However, Suskind, et al. completely fails to teach or suggest many limitations of independent claims 25, 37, and 46.

First, Suskind, et al. fails to teach a continuous filament substrate hydraulically entangled with pulp fibers. Suskind, et al. does teach that their modified webs can be hydraulically entangled webs. See, e.g., Col. 2, lines 18-21 and Col. 3, 43-47. However, this disclosure does not provide any teaching of hydraulically entangling a continuous filament substrate with pulp fibers. Suskind, et al.'s disclosure of hydraulically entangled webs is simply directed to the type of interfiber bonding of a particular web.

For instance, Suskind, et al. discloses that the nonwoven fabric can be airlaid, wetlaid, or hydroentangled. Col. 2, lines 16-21. Also, Suskind, et al. teaches that the treated web can be combined with other nonwoven fabrics, such as meltblown, spunbonded, needle punched, and hydroentangled fabrics. Col. 3, lines 43-46. Both

these mentions of hydroentangled webs are simply directed to the type of web that can be used in accordance with Suskind, et al.; i.e., a web that has been hydroentangled to form interfiber bonds within the web. Suskind, et al. completely fails to teach that a nonwoven continuous filament substrate can be hydraulically entangled with pulp fibers, such as required by independent claims 25, 37, and 46.

Second, there is simply no teaching or disclosure in Suskind, et al. to hydraulically entangle a nonwoven continuous filament substrate with pulp fibers such that the pulp fibers comprise between about 60% and about 90% by weight of the resulting composite fabric. This particular weight percentage is not simply a design choice, but instead helps provide the fabric with the desired antimicrobial efficacy and water absorption properties. Thus, Applicants respectfully submit that independent claims 25, 37, and 46 are not anticipated by Suskind, et al., and request withdrawal of the 35 U.S.C. § 102 rejection of independent claims 25, 37, and 46.

Additionally, Applicants submit that independent claims 25, 37, and 46 are not obvious in view of Suskind, et al. As discussed above, Suskind, et al. is directed to replacing a portion of the web's pulp with antibacterially-modified pulp. For instance, Suskind, et al. teaches replacing only from 10% to 50% of the normal pulp charge used in forming a web with antibacterially-modified pulp. To the contrary, the composite fabrics of presently pending independent claims 25, 37, and 46 require that substantially all of the pulp fibers present within the composite fabric are treated with an organosilicone antimicrobial agent. Thus, the resulting composite fabric of independent claims 25, 37, and 46 have from about 60% to about 90% of treated pulp fibers. Nowhere does Suskind, et al. teach or even suggest such a composite fabric.

Nevertheless, Suskind, et al. does include a single “Comparative Example” in which an airlaid web was formed from 100% Evergreen pulp using an acrylic binder to which has been added sufficient antimicrobial so that the finished product contains approximately 1.5% antimicrobial by weight. (Col 6, lines 55-60).

In order to reject independent claims 25, 37, and 46, the Office Action appears to attempt to modify the web of the “Comparative Example” of Suskind, et al. by hydraulically entangling its fibers with a nonwoven continuous filament substrate to form a composite fabric comprising from about 60% to about 90% by weight pulp fibers, to achieve the limitations of independent claims 25, 37, and 46. Applicants submit that no teaching or suggestion exists to modify Suskind, et al. in this manner.

However, even if motivation exists to modify the webs of Suskind, et al. as attempted by the Office Action, Applicants submit that one of ordinary skill in the art would not be motivated to modify the web of the “Comparative Example” of Suskind, et al. When viewed as a whole, one of ordinary skill in the art would not use the web of the “Comparative Example,” but rather a web having from only from 10% to 50% of the normal pulp charge used in forming a web with antibacterially-modified pulp (which is the web Suskind, et al. primarily teaches). Thus, no motivation exists to hydraulically entangle a continuous filament substrate with pulp fibers, wherein substantially all of the pulp fibers are derived from antimicrobial-treated cellulosic fibrous material. In fact, Suskind, et al. actually teaches away from the use of pulp fibers, wherein substantially all of the pulp fibers are derived from anti-microbial-treated cellulosic fibrous material. As such, Applicants submit that independent claims 25, 37 and 46 are patentable over Suskind, et al., either alone or in any combination.

Not only do the wipers of Suskind, et al. fail to satisfy or suggest the limitations of claims 25, 37, and 46, such wipers are exactly the type that the present invention was designed to overcome. In particular, the main problem with the wipers of Suskind, et al., as addressed in the "Background of the Invention" section of the present application, is that they tend to provide inadequate microbial kill percentage.

For instance, Suskind, et al. discloses that the kill rates of approximately 90% were achieved by their exemplary webs. In comparison, the wipers disclosed in the present application can achieve substantially higher bacteria reduction percentages, such as 97% or greater. See, e.g. Tables 1 and 2.

Thus, for at least the reasons set forth above, Applicants respectfully submit that independent claims 25, 37, and 46 are not anticipated by the above-cited reference. Applicants also respectfully submit that at least for the reasons indicated above relating to corresponding independent claims 25, 37, and 46, the corresponding dependent claims are not anticipated by the reference cited. However, Applicants also note that the patentability of the dependent claims does not necessarily hinge on the patentability of independent claims 25, 37, and 46. In particular, some or all of these claims may possess features that are independently patentable, regardless of the patentability of claims 25, 37, and 46.

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Fortuna is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit
Account No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read 'Alan R. Marshall', is written over a horizontal line.

Alan R. Marshall
Registration No. 56,405

DORITY & MANNING, P.A.
P. O. Box 1449
Greenville, SC 29602-1449
Phone: (864) 271-1592
Facsimile: (864) 233-7342

Date: March 9, 2006